

STATE OF CONNECTICUT



STATEWIDE GRIEVANCE COMMITTEE

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01/07/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

JOHN B BLANK
BLANK & BLANK
853 FAIRFIELD AVENUE
BRIDGEPORT CT 06604

RE: GRIEVANCE COMPLAINT #10-0471
ADVANCED BACK & NECK CENTER vs. BLANK

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney George J. Ferrio
ADVANCED BACK & NECK CENTER

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 10-0471

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §2-35.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 1/7/10

STATEWIDE GRIEVANCE COMMITTEE

Advanced Back & Neck Center
Complainant

vs.

Grievance Complaint #10-0471

John Blank
Respondent

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 235 Church Street, New Haven, Connecticut on December 1, 2010. The hearing addressed the record of the complaint filed on June 1, 2010, and the probable cause determination filed by the Fairfield Judicial District Grievance Panel on September 15, 2010, finding that there existed probable cause that the Respondent violated Rules 1.15(e), 8.1(2) and 8.4(4) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the December 1, 2010, hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on November 4, 2010. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Beth Baldwin pursued the matter before this reviewing committee. The Respondent did not appear at the hearing. Kimberly Geer, bookkeeper for the Complainant, Advanced Back & Neck Center, appeared and testified at the hearing. No exhibits were admitted into evidence.

At the hearing, Assistant Disciplinary Counsel made an oral motion that all seven grievance complaints entitled Advanced Back & Neck Center vs. John Blank be consolidated for hearing since the testimony of Kimberly Geer, on behalf of the Complainant, applied to all seven grievance complaints. This reviewing committee granted that motion and accordingly Grievance Complaint ##10-0469, 10-0470, 10-0471, 10-0472, 10-0473, 10-0474 and 10-0475, all captioned Advanced Back & Neck Center vs. John Blank, were consolidated for the hearing.

This reviewing committee finds the following facts by clear and convincing evidence:

The Complainant, a medical services provider, received a letter of protection dated April 15, 2005 from the Respondent for payment of the Complainant's medical services that were rendered to the Respondent's client, Jan Dubcak, from April 8, 2005 to August 31, 2005. The letter of protection stated: "Please be advised that I will protect your bill in connection with the above accident, to the reasonable value of services rendered, to the extent of net recovery." The total bill for the medical services was \$5,632. The Complainant provided the Respondent with monthly billing statements and placed monthly telephone calls to check on the status of the civil suit. The Complainant had six other matters pending with clients of the Respondent that were

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being billed and monitored at the same time. The Complainant was ultimately informed by the Respondent that the case had settled and payment for the medical services would be forwarded. Several phone conversations ensued over several months between the Respondent and the Complainant's bookkeeper, Kimberly Geer, and the Respondent stated that payment was forthcoming. In December of 2009 and February of 2010, the Respondent indicated that he was sending the money within a week. Payment was never forwarded and the Complainant filed this grievance complaint.

The Respondent was granted two continuances by the grievance panel to file an answer, but did not file an answer to the grievance complaint.

This reviewing committee also considered the following:

At the hearing Kimberly Geer testified that she spoke monthly to the Respondent concerning all seven matters for which the Complainant was awaiting payment for services rendered to the Respondent's clients. The Respondent assured her several times that payment was forthcoming. Ms. Geer testified that the Complainant had filed a civil action in the Superior Court to collect the total amount owed in all seven matters, \$24,720.13, without interest. Ms. Geer testified that a few days before the December 1, 2010 hearing before this reviewing committee, the Complainant had been granted a prejudgment remedy ("PJR") attachment in the amount of \$25,000 against the Respondent, who did not appear for the PJR hearing.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The record before this reviewing committee clearly supports a finding that the Respondent received settlement funds in which the Complainant had an interest pursuant to the letter of protection the Respondent provided to the Complainant. We find that the Respondent's failure to deliver those funds to the Complainant constitutes a violation of Rule 1.15(e) of the Rules of Professional Conduct. We find that the Respondent's failure to honor the terms of the letter of protection and his repeated promises that payment was being mailed were prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct. We also find that the Respondent's failure to answer the grievance complaint constitutes a violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

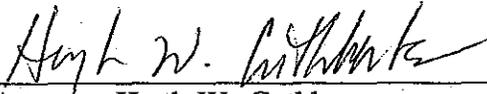
Since the Respondent has not responded to the grievance complaint and there are six other similar complaints pending, which involve a substantial sum of money, this reviewing committee directs the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court, for the imposition of whatever discipline the court may deem appropriate.

(E)
KO

DECISION DATE: _____

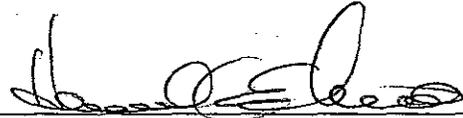
2/7/11

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Attorney Hugh W. Cuthbertson.

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Attorney Howard C. Eckenrode

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Dr. Romeo Vidone

Dr. Romeo Vidone